

LAKE COUNTY PLANNING BOARD
November 9, 2016
Lake County Courthouse, Large Conference Room (Rm 316)
Meeting Minutes

MEMBERS PRESENT: Steve Rosso, Sigurd Jensen, Janet Camel, Rick Cothorn, Frank Mutch, Eileen Neill, Jerry Parson

STAFF PRESENT: Jacob Feistner, Lita Fonda, Joel Nelson, Wally Congdon

Steve Rosso called the meeting to order at 7:25 pm. (Editor's note: A late-running Board of Adjustment meeting held up the start of the Planning Board meeting. The understanding and patience of the applicants and board members was much appreciated.)

FINLEY POINT STATE PARK CAMPGROUND MAJOR

Joel Nelson presented the staff report. (See attachments to minutes in the Nov. 2016 meeting file for staff report.) He pointed out two letters of comment that had been handed out to the Board.

Janet asked why fencing wasn't considered for the south and east sides. Joel thought the representatives here might have more information.

BJ Grieve of WGM Group spoke as the contract planner for Fish, Wildlife and Parks for the project. WGM Group also was contracted for engineering services for this project. He introduced Amy Grout, who was very familiar with the actual park facility itself, and Jon Maxwell who was an engineer out of Helena. Both were from Fish, Wildlife and Parks. Jon Gass was the project manager for this project at WGM.

BJ briefly overviewed some history of Finley Point State Park and what existed there. Current facilities were like a parking lot up against the water. This focused the intensity of the people and the impacts right against the water. With 5th wheels or RV's there was barely enough room to get between them. It was a beautiful piece of property but neither the use nor the layout were appealing. They wanted to spread it out to make it more user-friendly, with more options available to people, with nicer facilities and less environmental impact. Overall, the net increase of what was going on was not that great. Currently 16 RV spaces, 2 tent spaces and 2 host spaces existed. He explained the changes, pointing to the 11 x 17 map with the staff report. There would be a total of 18 RV spaces with 6 on the water and 12 elsewhere. A net increase of 5 tent sites would be added, plus two cabins for rent. The host sites would be move to be more functional and engaging.

BJ mentioned condition #2. This project went back to 2015. During this time they were told this would be reviewed as a subdivision by rent or lease under the Lake County Subdivision Regulations. The staff report talked about repeal of 76-3-208 in 2013, therefore making subdivision by rent or lease no longer a miscellaneous exemption. The staff interpretation previously was that you submitted a revised preliminary plat which was essentially a revised site plan. With the repeal, the interpretation contained in the staff report was that this actually would go to final plat, like a normal subdivision. He hoped to get clarification on that issue for

condition #2. They'd proceeded under Subdivision by Rent or Lease because of the series of meetings where they'd been told to do that. They would love some clarification on whatever [the Board] wanted to see [for condition #2]. He gave examples.

Amy Grout, the Finley Point park manager addressed the fencing question. That was an oversight. They would be fencing the entire south boundary, which had a partial fence currently. This would be somewhat of a privacy fence right along the shore where there was a lot of use, as they were doing with the Brownes on the north. She spoke with the Nevins today about adding to the existing fencing and continuing with the same smooth wire configuration.

Sigurd confirmed with Joel that there was one entry and one exit, and this was timbered in the manner typical for Finley Point. He asked if it was a fire safety issue. Joel said it was a concern, as it was for all of Finley Point. Steve asked about fuel reduction. Amy said they'd done a project a few years ago for fuel mitigation to reduce ladder fuels. They felt it had been handled quite well and was being maintained. Amy described the fencing as smooth 3-strand wire fence. It allowed for wildlife passage safety. Both the Brownes and the Nevins were amenable to that, with the stipulation that down on the main shoreline, they would do more significant privacy-type fencing.

Regarding fire, BJ mentioned they did a fair bit of research and writing into the application about that. In 2007, the park had a forest health prescription plan written. Subsequently, the park was significantly thinned, for which Fish, Wildlife and Parks (FWP) had to do an environmental assessment. This was followed by an emergency action plan to prepare for a wildfire event. They presented this to the former Planning Director, LaDana Hintz, who determined that this would be acceptable as long as it was reviewed by the local fire district, where Chief Burland determined the emergency action plan, in combination with the thinning effort that had been done in 2010, was adequate and he had no concerns. BJ added they didn't have comment from Tribal Fire Control. Janet noted that they responded to a lot of the rural fire situations. It would be good in the future to work with them.

Returning to the fence, Rick checked if the neighbors were happy with it. Larry Browne said the topography was flat near the lake and then got steep. Most campers didn't walk up the steep hill. Frank thought wildlife concerns were overstated and the fence should be a privacy fence on boundaries where there was private property. He said the neighbors should get the type of fence they wanted. Amy said they'd been talking about that with either a wooden slatted fence, which was what the Nevins had, to match what was existing, and perhaps doing that on the Brownes' side as well or a chain link with privacy slats. They would maintain it.

Steve referred to a letter that mentioned the closeness of the new loop road. Could some type of privacy fence be considered in that section along the south side where the road would come closer to the property line? Amy said they could consider that. She spoke with Don Nevin about that, who indicated he didn't really need a privacy fence there. Don Nevin showed their cabin location close to a walk-in tent site, where they'd had issues with excessive camping, noise, trespass and so forth. They hadn't had much response over the years from the parks so they fenced the first hundred feet on their own. He was happy to see that would finally be taken care of. This loop came within less than 50 feet of their property line, in what was currently a nice,

quiet, wooded, pleasant area. This would be a major change. A privacy fence or barrier there would be great. He requested consideration that one or two of the RV sites be removed and this loop be moved back another 30 to 50 feet to give them more buffer since this would impact them in a significant way. He mentioned an area for a 6-foot privacy fence maybe [running] 100 feet. He hadn't measured. The other part could be the double-strand smooth 3-level wire to allow wildlife to get through. He thought that was fine.

Don listed other concerns, including where the hosts were as opposed to where the problems often occurred. You'd get too many campers in on busy summer nights. It was supposed to be quiet after 10 pm, which wasn't enforced. He'd registered complaints with the hosts about noise and excessive tents (because they weren't following the policy). The reply was to call the sheriff with problems. Now there was a warden they could call, which was good. Don hadn't done it; he didn't want to bother them. It was an issue that affected their quality of life. They were now retired and spending a lot of time there. He knew his neighbor, Bill Woessner, had similar concerns.

The project team answered questions for the Board. Amy said the campground was open from April 1st to November 15th. Janet observed the new proposed RV sites would cut into the hillside so there would be cut and fill, particularly on the southeast side. She checked that the stormwater management plan would address that runoff. Jon Maxwell said the uphill lots would cut into the hillside and the downhill lots would have some fill to make a parkable side. The driving surface would be paved as well as the parking pads for the sites. The access to the cabin to the southwest was a walking trail.

Amy said that yurts were considered at one point. They proposed cabins. Janet thought as long as the stormwater plan addressed the gray issues, that would address her concerns because they were cutting into that hillside. Jon M said they talked about stabilizing those kinds of slopes and fill slopes to prevent erosions.

Steve asked about the redo of the RV sites by the lake. Jon M thought the closest, L1, was maybe 40 or 50 feet from the water. Landscaping in that area was mostly vegetated, with a little break wall currently. Vegetation was on the park side of the break wall. In response to Steve's question about signage or education offered to campers about the importance of the buffer to protect the water quality in the lake, Amy said there was none. A generally more grassy area was within the mature trees. Jon M described it as a natural grass swale. Steve said it would be great if some landscaping [could be done] with bushes and plants with root systems between those of the grass and the trees to provide an opportunity to pull out the nutrients before they reached the lake. Jon M confirmed that Best Management Practices (BMP's) would happen during construction. They would have a stormwater management plan as part of the construction set. The contractor would be responsible for following and doing inspections on this disturbance of more than an acre. BJ noted that silt fencing along the lakeside was required by conditions #5 and #14. Steve asked about the long term stormwater management, the sloping of the sites and where the stormwater from the parking pads would end up. Jon M described that the ground sloped towards the lake with the natural topography. With reconfiguration near the lakeshore, they would be pulling a lot of that impact out. The asphalt amount close to the lake would be greatly reduced as they went from 16 sites to 6 sites. The runoff amount directly near the lake

should be quite a bit less. The runoff from the hillside would have hillside vegetation to filter through before it made its way to the lake. If they did get an event where there was surface runoff, the swale depression was prior to the break wall. They hadn't seen a lot of water in there in the time they'd been up there. Steve said that parking areas for motor vehicles increased the impact of stormwater because a lot of contaminants dripped off the motor vehicles. Jon M said the number of sites there for motor vehicles would be knocked from 16 to 6.

Steve referred to comments in some of the letters indicating problems in getting rules enforced at the park. It seemed reasonable to have the hosts walk through and make sure people were observing the rules before they went off the clock, and for them to call the warden or sheriff rather than the neighbors. He understood that you couldn't put the hosts in a position where they had to actually enforce but he suggested that they should take the responsibility to call the sheriff rather than the neighbors.

Frank asked about condition #10 on pg. 21 about the roads. On pg. 6, it said that FWP would contribute to the roads for the proportional share of the impact when the improvements occurred. He thought people would like to see that the State shall contribute according to the proportional impact of the campground, so the total impact rather than just the new development. There was already a ton of traffic there making an existing impact. At the Board of Adjustment, they talked about consideration by the State for signage on the highway to say the campground was full to reduce this traffic. This would be helpful.

Janet said to make sure when they talked with DEQ about stormwater runoff, to also run it by the EPA because they were on a reservation.

Public comment opened:

Larry Browne, the northern neighbor, described that in summer, cars often parked up in an area he indicated on a map because there wasn't enough parking down in the park itself. There was talk about making a parking area up there because they parked on both sides of the road. Were there plans for more parking? Jon Gass said they'd take a look at that to see how feasible it would be to fit in an additional parking area on that side. It wasn't an integral component of the subdivision application so it wasn't shown on this plan. It was something they were going to [inaudible]. Steve asked if there was room on a site for both a 5th wheel and a pickup truck. Amy said currently they had them park in this day use area. The idea with the campsites was to reconfigure it to actually fit the RV and the vehicle. That would reduce some of the impact to the day use parking and hopefully get those people into the park. Additionally, the tent sites would have parking and alleviate some of the congestion in the day use and hopefully reduce what parked on the road. Larry noted that Amy had been extremely good about working with them, asking for feedback and using their feedback in the plans. He thanked her.

Bill Woessner and his wife lived south of the Nevins and 100 feet from the southern boundary. He pointed to the letter they had prepared and appreciated the issues that had been brought up. The principal issue was none of the south fencing was in the plan being evaluated tonight. What guaranteed that it would materialize? They were willing to work with Amy and the crew but it wasn't indicated and there was no design or consideration of it. This was his biggest concern.

He could see the tent sites and RV sites from his deck. From his dock, the beach was right there with motor boats pulled up on the beach at times. He referred to other issues associated with the use of the park and the enforcement of existing rules mentioned in his letter. The idea of an adequate fence along the southern boundary to meet the needs of the Nevins' property and his property was something they wanted to work with. This wasn't in today's plan, which seemed to be an oversight. In the past year, there'd been discussions of putting plantings along those boundaries in addition to the fence to create some other type of buffer to separate the campground area from the neighbors. That wasn't mentioned in this particular plan either.

In this particular area of the campground, they had now concentrated people and the question was how they got to the lake. Bill thought the plan was to use a trail whose general vicinity he indicated on a map, which went down to an area of the lake he indicated. It was right next to the southern property boundary so it seemed like they would concentrate the flow of people down into the southern portion even closer to the boundary. This was where the past challenges included too many tents, too many people, loud parties and no enforcement. He didn't know if this could be rerouted onto the pavement and people could access the main beach area. He summarized his concern that there were no plans or specifications about what would happen on the southern boundary. They would like some protection and privacy to keep their experience good on the southern side. He appreciated the comments made about that.

Public comment closed.

Jon G clarified they had a spur on this trail design that came down the hill. It tied in to a parking area he indicated to allow people to come over in this area of the park. This was typically the more open area of the park anyway so he would expect that was more likely where people would go. They did have an access. He showed where they could do some work and maybe reroute and make that a little more apparent. They did have access provided there in this design.

Steve asked if signage let people know they were leaving the state property and going onto private property. Even though people often ignored signs, it allowed the host or warden to reference or point to those if someone claimed they didn't know. Amy agreed. Especially with the new fence, they would be signing that very well. It was signed but not clearly now.

They'd talked about the issue where the tent pad for a site Amy pointed out was currently way back where people didn't like to use it so they'd find nice, open areas that encroached on the neighbors. With the new plan, they were moving the tent pad to be by the table and the fire ring so it was obvious where to put the tent. She and Jon also talked about putting in some jackleg fence in some key areas where encroachment was happening. She pointed to a particular area of concern where people tried to go through to put tents where [the jackleg fencing] would act as preliminary buffer. This worked well in other parks around the lake. It would create a buffer beyond the privacy fence. People were supposed to set their tents in the designated campsite. By designating it better, the situation would be better.

Steve thought the host could inspect this by going by to see how things were going when someone set up and to let them know if the tent was in the wrong spot. Amy said they asked their host volunteers to inform people. They didn't have the ability to enforce. She'd worked

with the new set of hosts last year to do better on that. With the current set up, you saw wall-to-wall RV's and it was easy to forget about the tent sites. Through the changes, it would be more open and easier to see where the tent folk were and to talk to them as well. She would continue to work with her staff on doing this.

Rick thought the concept seemed well founded. His concerns were placating the neighbors and making sure those issues were addressed. It seemed like a good project. Steve thought it was important to realize there were more than the neighbors to be kept happy. This facility was provided for visitors, which was the other side. It was an important part of the economy and what went on at the lake. Similar issues existed with the other parks around the lake. He gave the analogy of cross country ski trails at Blacktail Mountain and motorized/mountain bike trails there. They had similar issues and found that if some of the club members did some monitoring and were the ones to call for enforcement when needed, it helped a lot. It prevented the club members from getting in a dangerous situation. He was sure the hosts were trained to help with that without actually having to do the enforcement.

Joel responded to Steve that he thought the BNP's (Best Management Practices) were usually covered in the sewer permit. For inclusion of the fencing that was left out of the actual plan, Jacob recommended to Steve to add it to condition #9. Janet suggested wording. Amy replied to Steve that currently there was not a problem with campers establishing their own trails to the lake. Joel suggested that they [be] clear about fencing they might want along Finley Point Road. Janet clarified [the fencing was] where there were adjoining private property boundaries along the northern, southern and eastern property borders to prevent trespass. It didn't have to be along the road right-of-way. She tweaked the wording. Rick observed lots of affirmative nodding as she gave the wording. Frank asked about adding a landscape element for privacy along the fence. Amy said that had been in some of the conversations as well, particularly around the tent sites, so there would be privacy fence, jackleg and some strategic plantings of mountain maple or serviceberry that would be bushier to help with that aesthetic view for them. Steve recalled that the Board also suggested some wild rose. Amy [made a request about] the privacy fence that Don Nevin pointed out at the end of the loop road.

BJ pointed out that conditions talking about agreements that had to be reached to demonstrate compliance with a condition were difficult to comply with. For example, FWP might have a budget constraint that would only allow a 6-foot privacy fence. The neighbor might say that to get approval in order to get final plat, they needed an 8-foot fence. He requested that the Board include language for what they felt was adequate mitigation within some certain parameters as opposed to an agreement. It could be problematic for everyone otherwise. Steve added there could be some issues with the EA (environmental assessment) that was approved for this work that might have to be talked about, for instance, wildlife friendly fencing, which would be something that they would have to do. BJ said from his experience, conditions that said 'subject to an agreement between such and such' could be really challenging for either party. The Board considered further fine tuning of the language, including the specification of a 6-foot privacy fence. Jon G was reluctant to commit to something that specific until they could get on-site and walk the property lines to see what was appropriate.

Janet gave the main wording of the tuned changes for condition #9, so beginning at 'northern property boundary....' the condition would change to 'northern, southern, and eastern private property borders, to prevent trespass onto neighboring properties, and jackleg fences [south of the] tent sites and privacy fencing and signage closer to the shoreline and loop road after consultation with adjoining land owners and additional native species landscaping near the fencing.' Given the main words, staff could further wordsmith this, if necessary.

Janet suggested another condition to address the shoreline vegetation and adding some native shrubs to the shoreline vegetative buffer. Steve thought one of the issues was that the Finley Point Zoning District talked about a shoreline buffer. [The park] was exempt from meeting the zoning regulations. Rick said the beach was long established. Janet clarified the suggestion was to add more shrubs in the grassy buffer. Steve asked if it was reasonable to add some additional landscaping in the lakeshore buffer zone. BJ said if this would require a lakeshore permit, it was covered by lakeshore protection regulations rather than the exempted zoning. Activity within that lakeshore zone was highly restricted and planting would require a lakeshore permit. Generally speaking, it was better to leave it alone. Steve agreed. The question was if it needed to be restored. Was it in a natural condition with native vegetation? Joel asked which finding they were looking at.

Rick asked how long the park had been in existence with the current condition of the shoreline. From the various answers given, Rick picked out roughly 1970. For findings, Steve suggested IV.2 on pg. 16. Don N thought the retaining wall was put in during the 1990's. The place where the vegetation was, if you had interest in that, would be in the tent site area. That beach was filled in there. It used to be a cliff. Many yards of gravel were added to create a beach. There would be space to do something with some vegetation up on the bank there.

Steve was concerned where there might be runoff with pollutants from the motor vehicles along the 6 RV sites. He didn't know what the vegetation there was like. Amy pointed to the grassy area they described, and Jon M further indicated the west end of those sites as opposed to the shoreline. Steve thought it could be between the landward end of the lakeshore protection zone and those sites. Janet added also possibly a little to the south of those because they had a long paved road coming down the hill. She pointed to the topo map. She didn't know where the stormwater from that went. It would be nice to take that into account. To his knowledge, Jon G said they hadn't experienced issues with it currently. Steve thought when they graded the 6 sites prior to paving, they could slope them back to the roadway so the water ran away from the lake. He referred to IV.2 on pg. 16. The plantings could be in that construction area adjacent to the ends of those RV site. These weren't additional plantings in the lakeshore protection zone. The idea was that it would include a variety of native plants rather than just grass. Jon G said they had a couple of different seed mixes for those applications. They certainly would revegetate the disturbed areas. He questioned the need to do something beyond that if [inaudible]. Certainly they wanted to get the disturbed areas healed up as soon as they could. Steve asked for more than just grass.

Frank proposed an addition to condition #10 on pg. 21 for the total impact of traffic generated. Steve asked about the existing wording about the proportional share of road improvements. Someone explained they took the existing traffic and what the campground added to that and

figured out the proportional share. Frank said he was proposing the total impact from the campground. Joel reminded they were reviewing the subdivision elements. Jon M said this was a little inconsistent with what they read in the preapplication meeting that only the additional parts would be reviewed. Frank said he was trying to negotiate a better deal. He suggested including maintenance after improvements. Joel said he wasn't sure how the County could assess a state park for maintenance. BJ said there was no mechanism for assessment. Frank said they'd already agreed to the concept. Regarding Frank's suggestion for the condition, Jon M said that was a hard one to define, collect and enforce. Frank said improvements and maintenance were closely related. Major maintenance could be considered improvements. Steve suggested adding 'and possible maintenance' after 'improvements'. The Commissioners and the applicants might come to an agreement that could be defined in the MOU (memorandum of understanding). It would be up to the Commissioners.

Frank thought the important point was to base this on the total impact of the campground. Steve thought it already was, looking at option 1 on pg. 9. Frank thought that was for the additional impact. Steve asked which was the case. BJ said it wasn't based on the tent sites. Tent sites weren't subject to subdivision by rent or lease pursuant to Montana statutes. It was based on the 2 additional RV spaces. Pursuant to the ITE [Institute of Traffic Engineers], that would add 30 trips. As a percentage of the 875 that are currently on South Finley Point Road, it was a negligible impact. Secondly, at the April 13, 2016 Board of Adjustment meeting, one of the Commissioners attended that meeting and said the provisions to South Finley Point Road and the rebuilding of that road had been a project on their radar for a long time. At some point in the future, they would look at assessments for a pro rata share of all landowners along that road equally and fairly based on some model that would be developed at that time, and that this was outside the purview of FWP. Therefore, in their subdivision application, they didn't go into more detail on this because the Commissioner said it would be taken care of and because it didn't generate anything over, according to the Institute of [Traffic] Engineers 9th edition. It was a concern of FWP and was an issue that had been discussed at great length because they wanted to be good neighbors and participate in the same manner that they're requested and fairly assessed to everyone based on their impact. Steve thought Frank's idea was good but it was too late, and gathered from BJ's words that the contribution would be both the added impact of the new development and a proportion [for] the road like what would be assessed with all of the adjacent road owners.

Jon M said the MOU was important because if South Finley Point Road was improved through an improvement district, the State land was exempt from an SID and would not pay. If the MOU had something documented that they would pay a proportionate share, it allowed the County to collect some money from the State when they normally wouldn't be able to. Jon G added initial discussions with the Commissioners about an MOU-type arrangement had occurred. Details and amounts hadn't been ironed out. Frank and others felt the point was covered.

Janet asked where the sign on Hwy 35 would be placed that would indicate when the campground was full. That was a wear-and-tear issue on the road. Jon G said they hadn't identified that specifically yet. They were still looking at that from a feasibility standpoint to see if they could even do it. They needed to address issues with the Highway Department from their standpoint, and consider the cost and feasibility of simply installing these things and

communicating with the park. They hadn't gotten that far along in this process. Amy confirmed for Steve that there was no sign by the highway for this park that was similar to the West Shore State Park sign on Hwy 93. Even at West Shore, by the time you got to the entrance to flip the sign, the status changed. Here you'd have a 10-minute drive on Finley Point Road. That was a complication. They were trying to look at some sort of remote sign that could be changed from within the entrance station. Jon G noted that per Amy, implementing the reservation system had greatly reduced the traffic already since people knew in advance. This would be one more step.

Motion made by Janet Camel, and seconded by Rick Cothorn, to recommend approval of both variance requests and accept the conditions for final plat and final plan approval with the additions made to condition #9 and to accept the findings of fact. Motion carried, all in favor.

BUILDINGS FOR LEASE OR RENT REGULATIONS (8:59 pm)

Joel Nelson presented the staff memorandum. (See attachments to minutes in the Nov. 2016 meeting file for staff report.) He had sent the draft to Tara DePuy of MACO (Montana Association of Counties), who returned comments, and Wally Congdon, who had reviewed it in part. This would go to the Commissioners in December and it would also be run by the Polson City County Planning Board. He anticipated that revisions should be made after the legal review by Tara and Wally and brought back to this Board in December. This would be like an introductory meeting. An official public hearing would be scheduled with the Commissioners. The Planning Board was not required to review these regulations and typically would not be using them in the way they used the subdivision regulations although it might come up in certain proposals. The Commissioners wanted input and feedback from the Planning Board before they held their public hearing.

Frank requested that it be simplified. Joel said the Commissioners wanted to add additional things as possible things to include in the tool box. Certain things might end up chopped. Steve referred to #4 on pg. 2 of the memo and asked for clarification for the reference to vending machines, antennae and solar panels as buildings. Joel said one of Tara's comments was these [regulations] didn't apply to things other than buildings. When they talked to Wally, he said they could have those things within a building, where you were renting out an area of the building. Steve suggested saying 'buildings or portions of buildings'. Wally said the problem was there was no discussion in the boilerplate regulations regarding the issue about [inaudible]. He talked about the problem of reflectivity, light, heat/cold and stormwater with an example from Missoula. Solar panels were regularly put on the roofs of storage buildings due to a beneficial federal program. The reflectivity was incredible. Those simple design things needed to be plugged in plus an owner would rent out the roof of this unit. He described an example of a building with 42 leases of the roof for wireless, etcetera. All these were lit and stuck up. The question for lease or rent broadened itself out because it was [inaudible]. He wasn't saying they had the perfect fix. He recommended they take a week or two to mull that stuff through for ideas. Then they could see where they could go. Steve didn't think the difference or fact that they wanted to include portions of the buildings as well as buildings was clear. A few words could be added to help make that point. Maybe something could be mentioned with the antennae that the idea was the portion of the building where the antenna was mounted. It made it sound like antennae were being rented where it was actually portions of the property where an antenna

was put. Joel said it was confusing because the building as defined by State law was ‘a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or the operation of business.

Jacob wondered if they needed to define unit. Wally and Joel recommended the Board members could mull that.

On pg. 3, Steve added ‘that’ after ‘Building(s)’. On pg. 4 in 6.A.ii and in the end of the paragraph in Joel’s memo, 30 buildings were mentioned. This was a threshold. What was the issue where this talked about more than 4 and less than 30? Joel described that state law said you could increase the number of buildings subject to review. [With] the standard in state law where it hit four, it was subject to review under the regulations. They were trying to raise that number for certain kinds of buildings that were unoccupied, such as storage units or rented areas for vending machines. Frank asked if each unit in a building with 100 units was considered a building. Steve noted this said buildings or a portion of a building. Joel read the definition of a building on pg. 2, which included mention of a structure or a unit of a structure. Steve asked if ‘unit’ should be defined as a portion that was divided in the building and rented or leased separately. Joel thought they could try to do this through the definition of a unit. He didn’t want to get confused with the Density regulations’ definition of unit. Steve suggested ending the discussion of ‘building’ with ‘or a portion of the building that is divided and can be rented or leased separately’ rather than using the word ‘unit’. Janet suggested ‘or divided portion of the structure’. Frank said one apartment was a unit and one storage space was a unit. Janet said they could say ‘a structure or a leased portion of a structure’.

Steve asked about 4.J on pg. 2. Frank said that was in the law. He asked why these regulations were needed. Joel explained state law said the County had to have these regulations unless you had zoning that contained certain things. Steve gave an example from Flathead County where rather than making condos, which would require meeting subdivision standards, the owner decided to rent the units. He built them with inadequate water supply and septic issues and they sat vacant for a long time.

Steve brought up albedo, which was the percentage that got reflected. Wally said it was how much was reflected or how much was not reflected. Steve gave an example of snow, where fresh snow and light were reflected almost 100%. As the snow got dirty and the crystals got larger, the albedo went down. In contrast, the number with asphalt was very low. It didn’t reflect things. Another characteristic was emissivity, which was the heat that got radiated from that body after it warmed up. He thought they might not be using ‘albedo’ properly here. What were they trying to do? Wally said it was two sides. You didn’t want reflectivity and the bigger problem was the reflectivity of asphalt was basically zero so, it made a heat tank. Steve said it heated the neighborhood because it was emitting the heat. That was a measure of emissivity. Visible light reflection might be a better term to use. Albedo generally included wavelengths that were heat or infrared and didn’t necessarily create a glare but reflected heat away. He thought they needed to go back to what they were trying to do. If they were trying to prevent warming up the environment, they would want to avoid things with low albedo or have a comment that the albedo of the development needed to be balanced so it didn’t have a lot of emissivity. Then they’d also talked about the idea of visible light reflection that bothered neighbors, visitors or

drivers who might suddenly get a flash of bright light. Wally referred to the external effect on neighbors, which could be significant. That was the reason it was included.

Rick asked how much the VRBO (Vacation Rental By Owner) drove these regulations. Joel hadn't known that it had. Wally said it hadn't so far but it was a question that related here.

Janet pointed out some typos and corrections. In the first paragraph of pg. 6 in the 6th line, the wording should read 'landowners to consider'. In the next to last line on the bottom of pg. 1, she suggested 'in a manner that complies with the zoning'. Joel said that sentence would be completely reworded. Janet turned to pg. 3. For B.i, 'that' should follow 'Building(s)'. Also the 'was/were' wasn't necessary after 'Building(s)'. 'Was' could be used and would be less confusing. This same idea applied to B.i through B.v. On pg. 7 in C.iii, 'buildings' should be replaced with 'building(s)'. Regarding C.iii on pg. 7, commas on either side of 'or its conditions of approval' and quotation marks around 'buildings for lease or rent' came out of group discussion.

Jacob asked for input on the number of 30. Steve commented he would like to look at past projects during the last 2 years and see what the typical projects were for portions of buildings. Thirty was a great number if it included 80% of the projects. He compared it to speed limit selection. They wanted to apply this to enough projects that they were actually managing the problem and not set it so high that no one had to use the process. Joel said it was supposed to be tied to impacts on public health and safety. Steve thought a room with 30 separately owned vending machines was a separate issue from a set of 30 storage units that took up an acre. Rick thought whatever you picked, someone would work the angles a little below it. Joel reported that on this aspect, Tara (of MACO) commented when the Commissioners adopted these, they would have to justify that number. There was already an arbitrary number they were working with when they started talking about doing this. That was 3 versus 4. His thought was to raise it [for cases] when it wasn't occupied so the Commissioners wouldn't have to review every 5-unit mini storage facility. Steve thought you'd want them to review 75 to 80 % of them so you didn't get a situation where they'd wasted their time producing the regulations because people would avoid hitting the threshold. Wally gave an example. Janet asked if you could use the amount of traffic as a threshold. Wally said you could look at traffic and approach permits.

Janet asked if the talk about the DMR on pg. 1 was what Tara wanted to take out. Joel said she just thought the last sentence was confusing. Janet said you weren't really talking about the impacts on wildlife or natural resources here, which was where the DMR came in to some degree. She pointed to 6.B.ii.h on pg. 5. She didn't see them asking for comments from Tribal Wildlife program or Fish, Wildlife and Parks (FWP) as far as the physical environment. Rick thought these [units] would be located next to the highway as opposed to on migration routes. Janet said sometimes people wanted these on the highway but it might be in a key wildlife crossing area. The DMR took that into account with the 1:40 areas. Joel said you could have 400 mini-storage units on a 5-acre tract in 40- acre density because they weren't units according to the DMR. Janet said that was why she thought they needed to look at wildlife with comments on the proposal from Tribal and State wildlife environmental programs. They talked about a detailed narrative of proposed wastewater, water and solid waste (6.B.ii.e) but nothing about

wildlife or stormwater runoff. Someone pointed to the mention of stormwater in B.ii.c.IX. Janet said to add wildlife.

MINUTES (9:33pm)

Lita apologized for the lateness of these minutes for Sept. 9, 2015. She'd done the best she could with changing priorities. Steve eliminated a square bracket prior to 'The federal government' on pg. 6 in the 3rd line from the bottom. Janet offered corrections starting with pg. 6. On the 4th line from the top, 'issued' was changed to 'issues'. In the 3rd line of the 3rd paragraph, 'properties' was added after 'Dayton school' and 'to the County' was changed to 'to these entities'. In general, it should be 'Tribes', not 'Tribe', with 3 Tribes here. On pg. 7 in the 5th line of the 1st full paragraph, 'by the Tribes' was added after 'It was set aside'. KwaTaqNuk spelling was corrected, with no hyphens or spaces, where it appeared. On pg. 8 in the third line from the bottom, 'the Tribes was' changed to 'the Tribes were'. Near the beginning of the 2nd paragraph of pg. 10, Steve corrected 'think' to 'thing'. In the 4th line, after 'South of Ronan', 'zoning' was added, and directly after 'zoning', 'They' was changed to '[The County also]'. Janet had changes for the first paragraph on pg. 11. In the seventh line, 'saw the difficulty' became 'saw this difficulty'. In the 14th line, 'Those were specific for criteria' became 'Those were specific criteria'. On pg. 15, Steve had changes. At the end of the 2nd paragraph, 'question' became 'questions'. In the 4th line of the last full paragraph, 'a' was placed between 'had' and 'question'.

Rick asked if some of this correction could be done online. Steve said there was a recent issue where corrections were done outside the meeting.

Motion by Rick Cothorn, and seconded by Janet Camel, to approve the Sept. 9, 2015 meeting minutes as amended. Motion carried, 5 in favor.

OTHER BUSINESS (9:43 pm)

Lita relayed a comment from the Dispatch Supervisor to please minimize the goings in and out. She thought ins and outs were pretty minimal, with members entering for the meeting and leaving after but wanted to mention the comment and raise that awareness. The comment might stem from an unusual meeting where the door arrangements hit a glitch.

Steve Rosso, chair, adjourned the meeting at 9:44 pm.